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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,481	07/16/2003	Max Harry Well	03/118	9073
7590 08/16/2005				
LEON D. ROSEN FREILICH, HORNBAKER & ROSEN Suite 1220 10960 Wilshire Blvd. Los Angeles, CA 90024		EXAMINER DEMILLE, DANTON D		
		ART UNIT PAPER NUMBER 3764		
DATE MAILED: 08/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Response to Reply Brief

Appellant argues that Nowakowski teaches the second piston 61 and spring 54 “moves up to shorten the downward stroke” and that this does not reduce the height of the actuator. It would appear that since the second piston moves up to shorten the downward stroke it would reduce the height of the actuator. The actuator has been reduced by the amount the downward stroke has been shortened. The overall height of the actuator has been reduced by the amount the second piston 61 has biased upward.

Appellant also argues that Nowakowski's means for cycling is not equivalent to appellant's pressurized fluid. No weight can be given these arguments since the primary references teach the pressurized fluid system equivalent to appellant's claimed fluid system. Nowakowski is merely cited to teach the secondary piston within the outer piston part for allowing the actuator to yield against the chest of the patient.

Moreover, claim 33 does not require the means for cycling to be pressurized fluid. Therefore the prior art doesn't have to show it.

The reply brief filed 7/11/2005 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-Th from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson, can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12 August 2005


Danton DeMille
Primary Examiner
Art Unit 3764